

EXHIBIT F

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

YOEL WEISSHAUS,

Plaintiff,

-against-

Case No.
11-cv-6616-RKE

THE PORT AUTHORITY OF NEW YORK
AND NEW JERSEY,

Defendant.

-----X

July 7, 2022
9:45 a.m.

Videoconference deposition of SERGEANT
THOMAS JOHNSON, taken by Plaintiff, pursuant
to Notice, reported remotely by Patrick M.
DeGiorgio, a Shorthand Reporter and Notary
Public of the State of New York.

REMOTE APPEARANCES:

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PRESENT:

YOEL WEISSHAUS

STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED by
and between counsel for the respective
parties hereto, that all objections, except
as to form, are reserved to the time of
trial.

IT IS FURTHER STIPULATED AND AGREED
that the deposition may be signed and sworn
to before any officer authorized to
administer an oath.

IT IS FURTHER STIPULATED AND AGREED
that the sealing and filing of the
deposition be waived.

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hard copy and a mini.

(Off the record)

SERGEANT THOMAS JOHNSON,

the witness herein, testifying on

behalf of the Defendant, having been

first duly sworn by Patrick M.

DeGiorgio, a Notary Public within and

for the State of New York, was examined

and testified as follows:

EXAMINATION

BY MR. HUEBNER:

Q. What is your full name for the
record?

A. Thomas Johnson.

Q. What is your work address?

A. Port Authority, 2777 Goethals
Road North, Staten Island, New York 10303.

Q. Good morning.

A. Good morning.

Q. My name is Levi Huebner. I'm
counsel for the plaintiff in this case, Mr.
Yoel Weisshaus. I'm going to be asking you
some questions. Please be reminded that
the answers must be verbal, not physical

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Johnson 9

with a nod of the head or the hand because the court reporter cannot take down a nod or nonverbal response. Do you understand?

A. Yeah, I know. I've been to court before.

Q. Have you ever been deposed before?

A. Yes.

Q. Thank you for letting me know that. So how long have you been with the Port Authority?

A. 29 years.

Q. And your status now is a sergeant?

A. Yes.

Q. And I understand you are leaving the Port Authority soon; correct?

A. Correct.

Q. And why is that?

A. Because I'm going to retire.

Q. Okay. Is there any particular reason that you are going to retire?

A. No.

Q. And now I'd like to know so

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Johnson

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down and look at something.

A. Yeah, I looked at the summons.

Q. Before you look at something, answer the question and if you don't recall then say I don't recall and you have to look at something so you get permission.

A. Okay.

Q. Do you remember the location where you pulled over Mr. Weisshaus?

A. On 440 southbound in Bayonne.

Q. On 440 southbound in Bayonne, how -- what's the range -- what's the distance of 440 southbound, when does it begin and when does it end?

A. 440 runs the entire length of Bayonne.

Q. And so where -- which direction was Mr. Weisshaus traveling on that day?

A. Southbound.

Q. So he was coming from a northerly direction?

A. Yes.

Q. And so at the northern-most point the 440, where does 440 start?

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A. In Jersey City.

Q. And where does the 440 end?

A. At the Bayonne Bridge and then it goes over into New York.

Q. When you say "at the Bayonne Bridge," the 440 ends at the Bayonne Bridge or the Port Authority's jurisdiction ends at the Bayonne Bridge?

A. Port Authority has jurisdiction in two states on every roadway.

Q. So where does -- does the Port Authority have the jurisdiction at the beginning of 440?

A. We have jurisdiction in New York and New Jersey on all of the roadways. We are police officers in the two states.

Q. You are a police officer in two states?

A. Yes.

Q. What two states are those?

A. New York and New Jersey.

Q. And so from the beginning of the 440 it begins at what, you say where, in Jersey City?

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A. Uh-huh.

Q. And it ends in New York?

A. It goes over into New York, yes, because part of the West Shore Highway is considered 440 as well.

Q. From the beginning of Jersey City until the end of the 440, do you know what location on the 440 you pulled over Mr. Weiss Haus?

A. Yes. Just before the Bayonne Bridge.

Q. And when you say "just before the Bayonne Bridge," do you know how many feet before the Bayonne Bridge that was?

A. No.

Q. Do you know how many miles before the Bayonne Bridge that was?

A. No.

Q. It could have been a mile?

A. No. It was much less than a mile.

Q. When you say "much less than a mile," how much less than a mile was it?

A. It could be anywhere from, I

Johnson

34

1 don't know, a hundred yards to 500 yards
2 depending on where he stopped. I made a
3 lot of traffic stops in that area during
4 that time.
5

6 Q. You made a lot of traffic stops
7 in that area?

8 A. Yes.

9 Q. On that same day?

10 A. On that day and many days before
11 and after.

12 Q. Let's talk about that day,
13 January 16th, 2019.

14 A. Uh-huh.

15 Q. Do you remember what day of the
16 week that was?

17 A. No.

18 Q. And when you say you made many
19 other stops, what day --

20 MR. HUEBNER: Strike that.

21 Q. When you say you made many other
22 stops, what was the purpose of the stops?

23 A. Motor vehicle violations.

24 Q. Do you know how many motor
25 vehicle violation stops you made on January

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Johnson

41

A. From there to the bridge it was.

Q. And was there a sign posted that makes it a construction zone?

A. There's multiple signs.

Q. And where were those signs located?

A. All along the 440 as well as a sign board.

Q. Where was the sign board located?

A. At the beginning of the construction zone right near 5th Avenue.

Q. Did you pull over --

MR. HUEBNER: Strike that.

Q. When you pulled over Mr. Weissshaus' vehicle, where was it that you pulled over his vehicle?

A. Just before the Bayonne Bridge.

Q. Before you pulled him over, how far away was his vehicle from your vehicle?

A. I don't recall.

Q. More than 10 feet?

A. I'm sure it was more than 10 feet.

Q. Okay.

1 Johnson 42

2 A. 10 feet he's literally one car

3 behind me.

4 Q. 20 feet?

5 A. I couldn't give you an exact

6 answer.

7 Q. 30 feet?

8 A. Like I just said, I can't give

9 you an exact answer. I don't recall how

10 far back he was when he was hit by the

11 radar.

12 Q. I didn't ask you when he was hit

13 by the radar. I asked you after he was hit

14 by the radar when did you see his vehicle?

15 A. As soon as the radar hit I'm

16 looking at the traffic and that's the car

17 I'm looking at. The radar is only going to

18 pick up the car that the radar is hitting.

19 That's the only car in the lane.

20 Q. What was the time when the radar

21 hit until when you pulled over Mr.

22 Weisshaus?

23 A. Probably 10 to 15 seconds.

24 Q. How did you pull him over?

25 A. I pulled out, activated my

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Johnson

43

lights, I got behind him and I pulled him over into the closed lane.

Q. He passed you and then you pulled behind him?

A. Yes.

Q. And before his vehicle stopped, how far was that from the location where you pulled him over?

A. Probably about 50 to a hundred yards.

Q. 50 to a hundred yards?

A. Yes.

Q. Did you pull him over before the Bayonne Bridge or did you pull him over on the Bayonne Bridge?

A. Like I said a couple times already, right before the Bayonne Bridge in the closed lane.

Q. You pulled him over, is that what you are testifying?

A. I don't understand the question.

Q. You said you pulled him over right before the Bayonne Bridge?

A. Yes. I said that three times.

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Johnson

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Q. And that's where he stopped his vehicle?

A. Yes.

Q. And you were right behind him?

A. Yes.

Q. And before the Bayonne Bridge, is there a cross street?

A. No.

Q. That was one lane at that time?

A. Yes.

Q. When you pulled him over was your vehicle and his vehicle blocking the one lane?

A. No. I pulled him into the closed lane like I said.

Q. Okay.

A. For his safety and my safety we don't block up a lane.

Q. Where was the closed lane located, on the right or on the left?

A. On the right like I said before.

Q. It was on the right. Were there cones on the right?

A. There were cones blocking off the

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Johnson

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right lane.

Q. How --

A. In that shoulder.

Q. How did his vehicle get --

A. Because they were open enough so
I could get my vehicle --

Q. Please let me finish my question.

A. Of course.

Q. When you pulled over his vehicle
and there were cones blocking the right
lane, how could his vehicle get into the
right lane?

A. Like I was just saying, he pulled
in between the cones. The cones are
staggered. It's not one gigantic wall of
cones. He was able to get his car in
between the cones just like I was able to
pull out from the cones.

Q. When you pulled over Mr.
Weiss Haus, did you have a conversation with
him?

A. The only thing I do for every
motor vehicle stop I announce who I am, I
asked for his license, registration and

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Johnson

46

insurance.

Q. And did you ask him any questions?

A. I don't recall.

Q. And did Mr. Weisshaus say anything to you?

A. He said several things. I don't remember anything he said, but all I know is the one note that I had on the back of my summons when I reviewed it.

Q. I didn't ask you anything about a note. Did he say anything?

A. The only thing written on my notes was that he was rude.

Q. So you don't remember him saying anything?

A. I don't remember anything about the stop.

Q. You don't remember anything about the stop?

A. Just like said, I'm going on what I do for many, many motor vehicle stops out there.

Q. Do you remember what Mr.

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Johnson

47

Weissshaus looked like at the time that you pulled him over?

A. Nope.

Q. Do you remember what he was wearing?

A. No.

Q. Do you remember his race or ethnicity?

A. Nope.

Q. Do you remember if he was a male or female?

A. He was a male.

Q. In appearance?

A. He was a male.

Q. How do you know that he was a male?

A. Well, he looked like a male, it says male on his driver's license.

Q. What was it about him that he looked like a male?

A. Sir, he looked like a male. I just told you I don't remember what he looked like. He was a male.

Q. So you really don't remember if

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Johnson

48

he looked like a male or not, you are just going by what the driver's license said?

A. I'm going by what my summons said. If he looks like a male and it says male on his driver's license I put male.

Q. But you don't remember what he looked like?

A. No. I just told you that. I don't remember what he looked like.

Q. You don't remember how many tickets you wrote that day, do you?

A. No.

Q. Do you know if you wrote more than one ticket?

A. I don't know.

Q. So you might -- Mr. Weisshaus might have been the only ticket you wrote that day?

A. It's possible.

Q. Do you have a record of tickets that you wrote that day?

A. I'm sure there's one somewhere in the building. I could look at my own summonses now to see if I wrote any more in

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Johnson

49

Bayonne. I write them for many
municipalities and New York as well.

Q. Does your car have a video on it?

A. No.

Q. At that point in time on January
16th, 2019, did your vehicle have a video
on it?

A. No.

Q. Did you have a body cam?

A. No.

Q. Do you have a body cam?

A. No.

Q. How about any voice recording
equipment?

A. No.

Q. Besides yourself, was anybody
else with you that day?

A. No.

Q. In order for a motorist to be
advised of a construction zone, is there a
particular manner in which the law requires
that the pedestrians are advised of a
construction zone?

A. By signage.

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Johnson

50

Q. If there's no signage then they wouldn't be advised of a construction zone, would they?

A. Unless you are listening to Waze or Google Maps or something.

Q. If a road had no signage of a construction zone, would you be allowed to pull over a motorist going over the limit in a construction zone?

A. I have no idea what you are talking about. I think you are confused.

Q. If a motorist is driving on the 440 and the 440 says construction zone, does a different speed limit apply at that point in time for the regular speed limit?

A. Yes.

Q. What is the regular speed limit on the 440?

A. 45.

Q. And if there's signs of a construction zone, what is the speed limit?

A. It varies on the construction zone. That one was 25.

Q. When you say "that one," can you